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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,536	12/23/2003	Makoto Harigae	016907-1590	6363
22428 7590 08/21/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER EBRAHIMI DEHKORDY, SAIED	
			ART UNIT 2625	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/743,536

Applicant(s)

HARIGAE, MAKOTO

Examiner

SAEID EBRAHIMI DEHKORDY

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Applicant basic argument states that " Iga does not aim to start normal operation after the apparatus is rebooted or power is turned on again, even if data overwrite fails during the data overwrite operation, if power is disrupted during the data overwrite, or if mismatching occurs between the processing sections. Although the result "completed" or "failed" is obtained in Iga, this is not a process that is performed to prevent the failure in the operation of the printer.

Therefore, if the operation is failed, the operator needs to control the printer again by transmitting the firmware update command together with the data which updates the firmware. In the present invention, if data overwrite fails during the data overwrite operation, or if power is disrupted during the data overwrite, or if mismatching occurs between the processing sections, the basic data and the overwrite data stored in the storage section are selected into the latest optimal combination for the present configuration of the processing sections. Accordingly, the image forming apparatus according to the presently claimed invention is kept operable. Since Mae et al and Iga do not teach or suggest these features of the presently claimed invention as exemplified by independent claims 1, 10 and 11.

Examiner states that by the further explanation and clarifications and amendment by the applicant **Mae et al** would in fact disclose the limitations and arguments stated above by the applicant regarding claims 1, 10 and 11.

Note paragraphs 0124, 0131,0159 and specifically 0175, wherein in the Fig.11, the power is turned backed on and the initialization would begin at each control module, initial setting such as

clearing the memory and the setting the standard mode is carried out. The, a process of input reception and copy control is repeatedly executed until a firmware reception notification is issued from the printer controller 21.

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Mae et al (Pub. No.: US 20020144005)

Regarding claim 1 and 10-11 Mae et al disclose: An image forming apparatus capable of receiving data from outside and executing data overwrite (note Fig.1) comprising: a plurality of processing sections that include storage devices storing data associated with the respective sections of the image forming apparatus (note Fig.2, page 7, paragraphs 0118-0123) and executes control based on the data stored in the storage devices (note Fig.2, paragraphs 0119-0123) a storage section that stores basic data and overwrite data thereof (note Figs.3&4, page 7, paragraphs 0124-0127) which is stored in the storage devices of the processing sections (note Fig.2, page 7, paragraphs 0118-0123) a receiving section that receives overwrite data from the outside (note page 8, paragraph 0127) a first control section that executes a control to store the data received by the receiving section in the storage section (note Fig.4, page 8 paragraph 0127)

an overwrite section that overwrites the data in the storage device of the associated processing section (note page 10 paragraph 0179) using the data received by the receiving section (note Fig.1, items 11 &21, page 6, paragraph 0110-0111) a confirming section that confirms whether the image forming apparatus operates with a combination of the data stored in the storage devices immediately after the overwrite section overwrites the data or immediately after power to the apparatus is turned on and a second control section that executes, when the confirming section confirms that the image forming apparatus fails to operate, a control to overwrite the data in the storage devices on the basis of the basic data and overwrite data stored in the storage section, thereby to realize a latest, optimal combination of data (Note paragraphs 0124, 0131,0159 and specifically 0175, wherein the Fig.11, the power is turned backed on and the initialization would begin at each control module, initial setting such as clearing the memory and the setting the standard mode is carried out. The, a process of input reception and copy control is repeatedly executed until a firmware reception notification is issued form the printer controller 21).

Regarding claim 2 Mae et al disclose: The image forming apparatus according to claim 1, wherein said plurality of processing sections are a system processing section, a scan processing section, a print processing section and an option processing section (note Fig.2 page 7, paragraph 0118-0123).

Regarding claim 3 Mae et al discloses: The image forming apparatus according to claim 1, wherein the storage section is a hard disk drive that is provided with a table storing the basic data and overwrite data (note page 10, paragraphs 0171-0172).

Regarding claim 4 Mae et al discloses: The image forming apparatus according to claim 1,

wherein the storage device is a non-volatile memory that contains prestored basic data or stores overwritten data (note Fig.2, items 132&142 the flash memories).

Regarding claim 7 Mae et al disclose: The image forming apparatus according to claim 1, wherein the overwrite section is a system processing section that executes a control of the entirety of the image forming apparatus (note Fig.12, page 11, paragraph 0181-0186).

Regarding claim 8 Mae et al discloses: The image forming apparatus according to claim 1, wherein the confirming section confirms whether the image forming apparatus operates with a combination of the data stored in the storage devices, which controls the respective sections of the image forming apparatus (Note paragraphs 0124, 0131,0159 and specifically 0175, wherein the Fig.11, the power is turned backed on and the initialization would begin at each control module, initial setting such as clearing the memory and the setting the standard mode is carried out. The, a process of input reception and copy control is repeatedly executed until a firmware reception notification is issued form the printer controller 21).

Regarding claim 9 Mae et al discloses: The image forming apparatus according to claim 1, wherein the confirming section confirms whether an option device, which is added to the image forming apparatus, operates (Note paragraphs 0124, 0131,0159 and specifically 0175, wherein the Fig.11, the power is turned backed on and the initialization would begin at each control module, initial setting such as clearing the memory and the setting the standard mode is carried out. The, a process of input reception and copy control is repeatedly executed until a firmware reception notification is issued form the printer controller 21).

Regarding claim 12, 13 and 14 Mae et al disclose: The image forming apparatus according to claim 1, wherein the storage section stores version data indicating a combination of data that do

not cause any problem together with the overwrite data, and wherein the version data is referred to in determining the latest, optimal combination of data (Note paragraphs 0124, 0131, 0159 and specifically 0175, wherein the Fig.11, the power is turned backed on and the initialization would begin at each control module, initial setting such as clearing the memory and the setting the standard mode is carried out. The, a process of input reception and copy control is repeatedly executed until a firmware reception notification is issued from the printer controller 21).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mae et al (Pub. No.: US 20020144005) in view of Parry (Pub. No.: US 20030086122)

Regarding claim 5 Mae et al do not disclose: The image forming apparatus according to claim 1, wherein the receiving section is a controller that acquires data from a Web site that provides data via the Internet. On the other hand Parry discloses: The image forming apparatus according to claim 1, wherein the receiving section is a controller that acquires data from a Web site that provides data via the Internet (note page 4, paragraph 0039-0041). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Mae et al's

invention of updating image forming apparatus/processing according to Parry, where Parry would be able to “configured the exclusive command, which in this case would be the reference or an address of the link or location on the remote or local network to an email attachment to acquire the needed firmware to be downloaded (note page 1, paragraph 0007, lines 14-19) and then again (note page 1 paragraph 0008) This would improve processing because according to Parry this would enable the system to be able to acquire the requested firmware of the printer with enabling the system to acquire the needed firmware though the network connection and needed references or addresses from the local or remote locations in the network (note page 1, paragraph 0007, lines 14-19).

Regarding claim 6 Parry discloses: The image forming apparatus according to claim 1, wherein the receiving section is a controller that acquires data from a Web site that provides data via the Internet, and also acquires data such as version information indicative of a combination of data from the Web site (note page 4, paragraph 0040).

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeid Ebrahimi-dehKordy whose telephone number is 571-272-7462. The examiner can normally be reached on Mon-Fri, 8:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Saeid Ebrahimi-dehKordy/
Primary Examiner, Art Unit 2625
August 16, 2008